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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,758	06/30/1999	DIMITRI KANEVSKY	Y09-99-183	8306

33233 7590 07/14/2003

LAW OFFICE OF CHARLES W. PETERSON, JR.  
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OAK HILL, VA 20171

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/343,758

Applicant(s)

KANEVSKY ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, 7-21, and 23-25 is rejected under 35 U.S.C. 102(a) as being anticipated by James ("James", Netscape Navigator 3.0).

Regarding claims 1, 14, 19, 24, and 25, James teaches a method of transferring data across a computer network which comprise setting data transfer constraints (Auto Load Images, Figure 8-15), requesting transfer of data (including image and sound data (page 357) stored on a remote computer system (inherent, page 360), storing a plurality of generic objects (placeholders), each stored generic object corresponding to an original object in data requested (placeholder for each image), identifying at least one object (image) included in said requested data as being associated with a generic object (placeholder, Fig. 8-16) and substituting the generic object for each of said at least one object (page 361, line 3) responsive to said data transfer constraints (page 359, last paragraph), outputting said requested data including said generic objects (Fig. 8-16) or corresponding original objects (page 361, Fig. 8-16)

Regarding claim 17, James teaches a method of compressing digital images, comprising the steps of identifying name, position, and characteristics of objects in a digital image and identifying names of identified objects (download a picture, page 352), substituting identified objects for generic objects (document templates), position data

and characteristics to form a modified digital image (replace images with placeholders, Fig. 8-16) and displaying the modified image (page 359, last paragraph).

Regarding claim 18, James teaches a method for restoring a compressed image comprising the identifying generic objects (placeholder icons) in received image data; identifying corresponding objects (image) in subsequently received data (Fig. 8-16, page 359, last paragraph); substituting said identified generic objects in said received image data for said corresponding objects to form an image and displaying said image (page 361, line 3).

Regarding claim 2, James teaches said stored data includes image and sound data (page 337).

Regarding claim 3, James teaches the displaying said web browser image (page 360).

Regarding claim 4, James teaches that the remote computer system identifies generic objects (inherent).

Regarding claims 5, 13, and 21, James teaches that while the web browser image is being displayed, the remote computer system is transferring generic object codes associated with related images (page 359, last paragraph).

Regarding claim 15, James teaches that the outputting means is a video display (page 337).

Regarding claim 16, James teaches that the interface device is a speaker (page 337).

Regarding claim 20, James teaches a database with a plurality of generic objects (placeholder).

Regarding claims 7 and 23, James teaches the transferring requested object while a corresponding generic object is being displayed and when said requested object is received, replacing and displaying each corresponding generic object with each said requested object (page 359-361).

Regarding claims 8-12, James teaches specific types of constraints (page 359-361)

3. Applicant's arguments filed 04/28/03 have been fully considered but they are not persuasive.

According to Merriam-Webster's Collegiate Dictionary (tenth edition), constraint is "the state of being checked to avoid or perform some action". Figure 8-15 and text of page 359 show that James teaches the selecting or deselecting Auto Load Images in order to avoid or perform Auto Load Images. Therefore, as reasonably interpreted, James teaches "setting data transfer constraints".

Applicant's argues that "James teaches a single generic icon (placeholder) that is substituted for images, the same icon is substituted for every image, regardless of the image content" while in the application, "web page displays with generic images substituted for particular related spices such that, the web page is displayed as an intelligible image with viewable images representing what will be displayed normally". It should be noted that these features are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon – Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703)-746-7238 (After Final Communication)

or

(703)-746-7239 (Official Communications)

(703)-746-7240 (For Status Inquiries, draft communication)

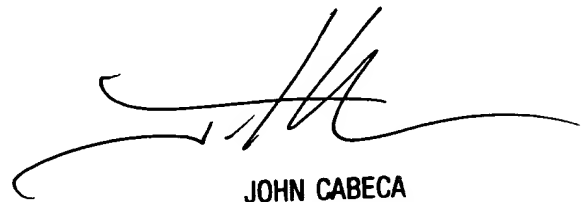
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for  
"INFORMAL" or "DRAFT" communication. Examiners may request that a formal  
paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703-305-  
3900).

Kieu D. Vu

July 01, 03

A handwritten signature in black ink, appearing to read 'John Cabeca', with a stylized flourish extending to the left.

JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100